

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2720**

BY DELEGATE CRISS

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

[Originating in the Committee on Government

Organization; March 25, 2021]



1 A BILL to repeal §17-2A-24 of the Code of West Virginia, 1931, as amended, and to amend said  
2 code by adding thereto a new section, designated §5F-2-8; all relating to establishing a  
3 merit-based system for personnel administration for the agencies, authorities, boards, and  
4 commissions within the Department of Transportation; authorizing the Secretary of  
5 Transportation to establish a merit-based system; preserving existing due process  
6 protections in state law; requiring compliance with state law regarding nepotism,  
7 favoritism, discrimination, and ethics in the employment process; prohibiting actions with  
8 a negative effect on federal funding; requiring inter-agency cooperation; authorizing rule-  
9 making; setting an implementation date; and removing duplicative functions within the  
10 agency.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF  
STATE GOVERNMENT.**

**ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

**§5F-2-8. Special merit-based personnel system Department of Transportation employees.**

1 (a) In order to attract and retain employees in the Department of Transportation, the  
2 secretary of the department shall establish a system of personnel administration based on merit  
3 principles and scientific methods governing the appointment, promotion, transfer, layoff, removal,  
4 discipline, classification, compensation, and welfare of its employees, and other incidents of state  
5 employment. All appointments and promotions to positions shall be made solely on the basis of  
6 merit and fitness for the position.

7 (b) The merit system shall be founded on effective performance management principles  
8 to set clear goals, provide efficient and effective services for our citizens and to develop, appraise  
9 and reward employees for being responsible and performing as required.

10 (c) Notwithstanding any provision of this code or rule to the contrary, employees and  
11 positions within the various agencies, boards, commissions, and divisions within the Department

12 of Transportation currently governed by the provisions of §29-6-1 et seq. of this code shall on and  
13 after October 31, 2021, all be subject to the merit-based system. The department's employees  
14 may be afforded due process protections through the existing provisions of the public employees  
15 grievance procedure or other means that assures all of the protections required by law.

16 (d) The Department of Transportation personnel administration system is not exempt from  
17 the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices  
18 related to the employment process.

19 (e) The Department of Transportation personnel administration system may not be applied  
20 in any manner that would disqualify the department or its agencies, boards, commissions, or  
21 divisions for eligibility for any federal funding or assistance.

22 (f) The Division of Personnel shall, upon request of the Secretary of Transportation, take  
23 any action necessary to assist the department in completing this transition in an orderly and  
24 efficient manner.

25 (g) The Secretary of Transportation may propose rules for legislative approval in  
26 accordance with the provisions of §29A-3-1 et seq. of this code and may promulgate emergency,  
27 procedural, and interpretive rules to implement the provisions of this section.

28 (h) The implementation of the provisions of this section shall be completed by October 31,  
29 2021.

## **CHAPTER 17. ROADS AND HIGHWAYS.**

### **ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

#### **§17-2A-24. Special employment procedures for Division of Highways personnel.**

1 [Repealed.]

NOTE: The purpose of this bill is to allow the Secretary of the Department of Transportation to establish a merit-based personnel administration system for all of the department's employees. The DOT will have until October 31, 2021, to establish the new system.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.